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13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA, ) Case No. 2:19-CR-234-DJC  
17 Plaintiff, )  
18 vs. ) **STIPULATION AND ORDER TO SET**  
19 DANIEL ANDREW WALKER, ) **TRIAL DATES**  
20 Defendant. )  
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IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorneys James R. Conolly and Emily Sauvageau, and Federal Defender Heather Williams, through Assistant Federal Defenders Douglas J. Beevers and Christina Sinha, counsel for Mr. Walker, that the following trial confirmation hearing and trial commencement dates may be set in this matter. The parties respectfully request the Court to adopt their proposed schedule and trial dates.

The parties specifically stipulate as follows:

1. The government filed a single-count indictment on December 19, 2019, which alleges that on or about March 19, 2019, Mr. Walker knowingly possessed firearms, in violation of 18 U.S.C. § 922(g)(1). The indictment also contains a forfeiture allegation that *inter alia* details thirty specific items. ECF No. 10.
2. On August 25, 2022, this case was reassigned from Chief Judge Mueller to District

Judge Drozd. ECF No. 71. On December 06, 2022, the parties appeared before District Judge Drozd for a motions hearing and status conference. ECF No. 83. The matter was set for a jury trial, set to commence on June 21, 2023, with a trial estimate of 8-9 days. A trial confirmation hearing was set for June 06, 2023. *Id.*

3. The Court excluded time up to and including June 21, 2023, under Local Code T-
  4. On April 06, 2023, the matter was reassigned from District Judge Drozd to District Judge Calabretta for all further proceedings, and all dates in the matter were vacated. ECF No. 84.
  4. After conferring with the Courtroom Deputy and one another, the parties have agreed upon a new trial schedule. The parties therefore respectfully request that the Court adopt the following dates:
    - a. **Trial confirmation hearing on December 07, 2023;**
    - b. **Trial commencement date of January 29, 2024.**
  5. The parties estimate that the jury trial will take five full court days. The parties anticipate that the Court will set a motions schedule at the Trial Confirmation Hearing.
  6. The parties agree a time exclusion is appropriate in this case, as detailed below.
  7. The government has produced 482 items of discovery, which includes search warrants, RAP sheets, investigative reports, photographs, and an audio recording. Physical evidence, such as the items the government argues are firearms, were also made available for the defense's review at the ATF's Sacramento Office.
  8. Defense counsel represents that they require additional time to review the discovery, investigate and research possible defenses, research potential pretrial motions, continue the defense's investigation, consult with Mr. Walker, and otherwise prepare for trial.
  9. Defense counsel believe that failure to grant the requested continuance would deny them the reasonable time necessary for effective preparation, taking into account

the exercise of due diligence.

10. The government does not object to the time exclusion detailed herein.

11. Therefore, the parties stipulate that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Walker in a speedy trial, and request the Court so to find.

12. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial Act), the parties request that the time period between **June 21, 2023 and January 29, 2024, inclusive**, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Walker in a speedy trial.

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

Date: July 5, 2023

*/s/ Christina Sinha*  
DOUGLAS J. BEEVERS  
CHRISTINA SINHA  
Assistant Federal Defenders  
Attorneys for Defendant  
DANIEL ANDREW WALKER

Date: July 5, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ James Conolly  
JAMES R. CONOLLY  
EMILY SAUVAGEAU  
Assistant United States Attorneys  
Attorneys for Plaintiff

## ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: July 5, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE